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# DECLARATION

OF, AND

*FORM OF ASSOCIATION*

RECOMMENDED BY

*London, 1796*  
*England*

THE WHIG CLUB.

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1796.

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DECLARATION

1871

FORM OF ASSOCIATION



THE WHITE CLUB

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1871

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# DECLARATION

OF THE  
*WHIG CLUB.*

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**W**HEN a Society of private men feel themselves bound to propose a great national measure to the people, justice to their own character and respect for the public judgment require that they should make known the reasons which have moved them to such a proceeding. We confess that it is, and ought to be unusual, because it can be justified by no ordinary circumstances: but we think that the situation of the country no longer permits us to confide the support of our principles to the individual exertions of our members. The **WHIG CLUB**, invariably adhering to the principles of the British Constitution as established at the Revolution, cannot be unconcerned spectators of the destruction of the most important securities of Public Liberty which were provided at that glorious æra.—The Constitution can, in our judgment, now only be restored by the exercise of that just

authority which the National Opinion must ever possess over the proceedings of the Legislature. We, therefore, deem it our duty, by every means which yet are legal, to appeal to the judgment of the People, and to procure a Declaration of their opinion. With this view, we have invited our fellow-subjects to associate for obtaining the Repeal of the two Statutes passed in the present session of Parliament.

In one of these Statutes we see public Assemblies of British Subjects, though their proceedings shall be the most orderly and peaceable, and their object unquestionably legal, fettered by restrictions hitherto unknown to the law and practice of this kingdom. Those meetings which shall not submit to these new and disgraceful conditions are subjected to dispersion, under pain of death; and those which shall be held in compliance with them are made liable to such perpetual and vexatious interruption, at the discretion of Magistrates, that there never can be wanting an opportunity for disturbing their deliberations and defeating their objects. Such a law we cannot but regard as repugnant to the genius and character of this free nation. The Constitution of Great Britain is established on the consent and affection of the People, and can only rest, with dignity or safety, on those genuine founda-

tions of all social authority. When purely administered it will ever make itself respected by its own beneficence and justice. It has for ages instructed the world by the example of a Government which builds its strength only on its justice, and secures the obedience of its subjects by their love of Liberty. It can neither require the aid of a system of constraint and terror, nor even receive it without danger of destruction. Its ruling principle is the Right of the People to manifest their opinion on their public concerns; a right of which the frequent, unrestrained and fearless exertion can alone create and preserve in a people that free spirit and conscious independence, without which the forms of a free Constitution are worthless and unavailing. This right alone guards and protects the secure enjoyment of every other privilege. The House of Commons is our security against the encroachments of the Crown. The King's Prerogatives and the Privileges of the House of Peers are our securities against our own Representatives. But no human wisdom can provide any safeguard against a possible combination of all the branches of the Legislature to oppress or betray the community, but by enabling the great body of the nation freely to pronounce their opinion on the acts and measures of Government by Petition and Remonstrance to the King or either House of Parliament, and by Speech and Publication to

their Fellow-Subjects; unfettered by any previous restraint, and subject only to the animadversion of the Law on those overt-acts of Treason, Tumult, Disorder or Sedition, which may be committed by individuals under pretence of exercising those invaluable rights.— This unrestrained communication of opinion is at once the only check to which it is possible to subject supreme power, and the wisest means for averting popular violences. To watch the exercise of these Rights with suspicion, to clog it with jealous and ignominious conditions, and, above all, to subject it to the arbitrary discretion of Magistrates appointed by the Crown, is to break that spirit from which such privileges derive their whole use and value. To impose on them any previous restraint is substantially to take them away. They cannot be so restrained without being reduced to a dependence on the pleasure of that very authority upon which they are to operate as a controul, and against which they are reserved as a security. To restrain is therefore to destroy them.

But the provident wisdom of our ancestors did not leave these sacred privileges to rest on the mere foundation of their own justice and necessity. They were solemnly asserted at the Revolution in the instance of Petition, where they had been recently violated. The great Statesmen and Lawyers who framed the DE-

CLARATION OF RIGHTS, when they asserted the Right of the People to Petition, did, by necessary implication, also assert their Right of Assembling to consider such matters as might legally be the subject of Petition.—The assertion of a right comprehends that of the means which are necessary for its exercise. The restraints of the present Statute, therefore, in our opinion, amount to an abrogation of the most important article in that solemn compact between the British nation and the new race of Princes whom it raised to the throne.

Though the other Statute of which we complain be speciously entitled “An Act for the safety and preservation of his Majesty’s Person and Government,” we are confident that by our opposition to it we shall not incur the imputation of disloyalty among honourable and reasonable men. We have formed our principles of loyalty upon those of a Parliament which had recent and ample experience of the effect of sanguinary Laws, and we shall deliver the Declaration in the memorable language of their record—“The state of every King, Ruler, and  
 “ Governor of every Realm, Dominion, or  
 “ Commonalty, standeth and consisteth more  
 “ assured by the love and favour of the subjects  
 “ towards the Sovereign, Ruler or Governor,  
 “ than in the dread and fear of Laws made with  
 “ rigorous pains and extreme punishment.”

Guided by this principle of our ancestors, which appears to us to be as full of truth and wisdom as of humanity, we cannot view without alarm an attempt to remove those boundaries of Treason which were ascertained and established by the Act of King Edward the Third: a Law which has been endeared to Englishmen, by the experience of four Centuries; by a recollection of the peace and happiness which have ever prevailed in those fortunate periods when it was observed; by a review of that oppression of innocence and insecurity of Government which have almost universally accompanied or followed every departure from its strict letter; and by the zeal and ardour with which so many successive Parliaments, after experience of the mischiefs of such deviations, have recurred, as a refuge from those miseries to the simplicity, precision, and humane forbearance of that venerable Statute.

Another clause of the same Act which authorizes the punishment of transportation on the second conviction, even for words spoken, appears to us equally repugnant to the merciful spirit of the Law of England. By applying the punishment of felony to a misdemeanor frequently of no very aggravated guilt, it converts what was designed as the chastisement of profligate and dangerous offenders into an engine, by which a Minister may crush his political opponents.

The infliction of cruel and unusual punishment is prohibited by the tenth clause of the Bill of Rights; and although that clause was, undoubtedly, pointed at the then recent abuse of judicial discretion in the cases of State offenders, yet it is founded on a principle which condemns the Legislative introduction of a punishment still more cruel and unusual than any which is recorded even in the detestable annals of the Star Chamber.

It is indeed a punishment which, in the feelings and apprehensions of those who are likely to be the objects of the vengeance of power, is scarce inferior to death. Had it in former times been sanctioned by the Legislature, it might have subjected the most illustrious asserters of our Liberties, a Locke or a Somers, to the combined miseries of banishment, imprisonment and slavery in a barbarous country with a gang of out-casts and felons. Removed from the view of their fellow subjects, their sufferings in a remote region are forgotten or unknown, and their spirit is no longer supported by that consolation which they might otherwise have found in general sympathy for an unjust conviction or a cruel punishment, while distance and oblivion deliver the agents of power from that dread of public observation and resentment, which is so wholesome and necessary a check on the tyrannical exercise

of authority. The same rigour, which, if practised at home, would spread the alarm of tyranny throughout the Nation, may be inflicted on a distant exile without odium or danger. It is the nature of this punishment to be, at once the most safe for those who inflict, and the most cruel to those who suffer it, to deprive the oppressed of consolation, and to deliver the oppressor from restraint.

The authors of these Statutes do, indeed, expressly admit that they materially restrain the liberty of the subject, but they contend that such restraints are necessary, and that if necessary they are just.

We do not affirm that general principles are never in any degree to give way to the exigency of circumstances. But we assert, that the right of discussion and remonstrance is so essential to the Constitution, that it cannot be controuled or restrained without a surrender of the Constitution itself. When pleas of necessity are urged, let it never be forgotten that pleas of necessity are the ready instruments and common justifications of power without right, and that the means by which nations are enslaved, have ever been pretended to be necessary to their security. We never can admit that the delinquency of individuals ought to work a forfeiture of the Liberties of a Nation. A necessity for new restraints and

penalties could only have arisen in the present instance, from the inadequacy of the law, which we on our parts utterly deny, which neither has been, nor can be proved, and which the preambles of these Acts themselves do not even venture to assert. Laws, such as these, we should have felt it our duty, at all times, most strenuously to have opposed. But there are many circumstances peculiar to the present time, which appear to us greatly to aggravate their malignity and danger. We cannot forget the system of measures of which they are a part, the disposition from which they appear to flow, the reasons by which they are supported, and the consequences to which they seem intended to lead.

They originate with Ministers, who are making daily encroachments on the constitution, who patronize the dissemination of opinions which tend to its subversion, and who have never spared any rigour of political persecution, to crush that freedom of discussion which endangered their own power. They are attempted to be justified on principles fruitful in future encroachments on Liberty, and by reasons, which, if they were valid, would compel us to conclude, that the Free Constitution of Great Britain is no longer compatible with its quiet, and that our only refuge from Anarchy is in the establishment of

Despotism. They are introduced in the midst of a calamitous War, when the solicitude of many good men for Liberty has been weakened, by an artfully excited dread of confusion, and when the overgrown influence of the Crown receives continual accessions of strength from the burdens and distresses of the People. They are the measures of men who by an unexampled waste of public money, have acquired unbounded means of corruption. They have been passed into laws when a standing army, great beyond example, is kept up in the heart of the kingdom; when an attempt is systematically, though, we trust, vainly, pursued to divide the soldiery from their fellow-subjects; at a time when every effort has been employed to subdue the spirit of the people, to pervert their opinions, and to render their most virtuous feelings subservient to the designs of their Oppressors. Thus possessed of the combined influence of delusion, corruption and terror, the framers of these acts seem to have thought the favourable moment at length arrived for securing impunity to their own offences, and permanence to the corruptions and abuses of government, by imposing silence on the people. This project has hitherto been successful. By the extension of the Law of Treason, and by the combination of vague description with cruel punishment in other

State Offences, Ministers have gained the most formidable engine of political persecution that can be possessed by a Government. By restraints, amounting almost to prohibition, on the Right of the People to assemble, to deliberate, and to petition, they have shaken the security of every other Civil and Political Privilege.

In this awful conjuncture it appears to us to be the duty of every man who wishes to see his country neither submitted to the yoke of slavery nor exposed to the dreadful necessity of appealing to force, for the recovery of its Liberties, to unite in a respectful but firm application to the Legislature, for the destruction of these alarming innovations, and the restoration of the ancient Free Constitution of Great Britain. We cannot think that such an effort will be unsuccessful. The usurpations of our Rights are yet recent and immature. The spirit of this nation is not, as Ministers have too hastily supposed, extinct; and prudence itself will not suffer the Legislature to despise the collective opinion of the People.

They will rather, we trust, imitate the conduct of that wise Parliament, whose language we have already quoted, and, like them, declare, that “trusting his Majesty’s loving subjects will, for his clemency to them shewed, “love, serve, and obey him the more heartily

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“ and faithfully, than for dread and fear of  
 “ pains of body; his Majesty is contented and  
 “ pleased that the severity of such like extreme,  
 “ dangerous and painful laws shall be abolished,  
 “ annulled and “ made frustrate and void.”\*

To obtain this happy result, and to prepare the way for such an application to Parliament, by Petition, as may carry with it the weight and authority of the National Opinion, we have invited our Fellow-Subjects to unite in the employment of every lawful means for procuring a repeal of these Acts.

The measure which we propose is unquestionably legal and constitutional; and it appears to us to be not only justified, but called for, by the exigency of the times. WHEN BAD MEN CONSPIRE GOOD MEN MUST ASSOCIATE.

*Resolved,* That the following be the  
 FORM OF ASSOCIATION.

*We, whose Names are hereunto subscribed, calling to mind the virtuous and memorable exertions of our ancestors in all past ages for the public happiness and freedom of this Nation, do solemnly engage and pledge ourselves to each other and to our country, to employ every legal and constitutional effort to obtain the repeal of two statutes, the one entitled, “ An Act for the more effectual preventing Seditious Meetings and*

Assemblies," *the other*, " An Act for the Safety and Preservation of his Majesty's Person and Government, against Treasonable and Seditious Practices and Attempts;" *Statutes which we hold to be subversive of the ancient and undoubted Liberties of Englishmen, as claimed, demanded, and insisted upon at the Glorious Revolution in 1688, and finally declared, asserted and confirmed by the Bill of Rights.*

FINIS.

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